IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.19 OF 2005

Janabai Dadu Didwagh ...Appellant

Vs.

Bapu Dadu Didwagh & Ors. ...Respondents

Mr.Uday Warunjikar for the Appellant
Mr.K.B.Sonwalkar for the Respondent No.5.

CORAM: A.S.OKA, J.
DATED: JANUARY 27,2005.

P.C.:

1. The learned Counsel for the Appellant submitted that the eldest son of the Appellant was not the Karta of the family on 26th October 1977 and in any event the legal necessity is not established by the purchaser under the Sale Deed dated 26th October 1977. On both the aspects there are concurrent findings recorded by the Courts below. It is not in dispute that the original Defendant No.1 was the eldest son of his father and as Karta of joint family, his name came to be entered in the records of right. On evidence both the Courts below have found that legal necessity for execution of the sale deed was for repayment of loan of Rs.4,000/- taken in the year 1970 from a bank. There is no perversity in the findings recorded by the Courts below.

2. No substantial question of law arises in the Second Appeal. Second Appeal is dismissed with no order as to costs.

Judge.